

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

Dawn Elaine, for herself and a class,

Plaintiff,

v.

Credit Control, LLC,
LVNV Funding, LLC,
Resurgent Capital Services, LP,
and Alegis Group, LLC,

Defendants.

Docket 2:15-cv-01271-WB

(JUDGE WENDY BEETLESTONE)

FILED ELECTRONICALLY

PLAINTIFF'S CONSENT MOTION TO WITHDRAW DISCOVERY MOTION

On October 6, 2015, Plaintiff filed *Plaintiff's Motion (1) To Have Plaintiff's Requests For Admission Deemed Admitted, (2) To Compel Responses To Plaintiff's Interrogatories And Requests For Production, And (3) For Sanctions*. ("Plaintiff's Discovery Motion").

Defendant Credit Control services thereafter served responses to the motion. After some good faith conferences to resolve the objections, Defendant provided a supplemental response this morning. The supplemental response largely addresses most of the outstanding issues, and Defendant's counsel has represented that an additional supplementation to address the remaining issues is forthcoming. A telephonic conference on the motion is scheduled for this afternoon. With Defendant's consent, Plaintiff asks that the

motion be withdrawn and the hearing canceled. A proposed order to this effect is attached.

This request to withdraw *Plaintiff's Discovery Motion* is without prejudice to Plaintiff's right to file a new motion if the aforementioned additional supplementation is not provided. Additionally, this request should not be deemed as waiving any right that Plaintiff may have to seek the Court's assistance with regard to other pending discovery issues. For example, Defendant has not yet complied with its obligations under Fed.R.Civ.P. 26(a), or with the Court's *Order Governing Electronic Discovery* dated June 19, 2015 (Document 17). However, those failures were not raised in *Plaintiff's Discovery Motion* and are not currently before the Court. Additionally, Defendant's counsel has stated that Defendant will shortly meet its obligations under both the Rule and the Court's order. If Defendant fails to address all of the outstanding issues, then Plaintiff will file a letter advising the Court of the discovery issues that remain in dispute, and requesting a new conference.

s/ Carlo Sabatini

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s/ Ronald Metcho (with consent)

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CERTIFICATE OF SERVICE

The undersigned verifies that within document is being served upon counsel for the defendants through the CM/ECF system.

s/ Carlo Sabatini

Carlo Sabatini